

REMARKS:

Reconsideration of the rejections is respectfully requested.

To make the claims easier to read, the claims mailed September 21, 2005 and received September 23, 2005 have been re-presented in clean copy as new claims 26-40. These claims relate to those recently presented as follows:

Here Presented Claims	23-Sept. Claims	Here Presented Claims	23-Sept. Claims
26-27	1-2	36	7
28	21	37-39	13-15
29	3	40	17
30	22	41	24
31-33	10-12	42-43	8-9
34	5	44	25
35	23	45	20

The order of the claims has been changed to reflect their dependencies. Reference can be made to the September 23, 2005 amendment to examine what insertions or deletions gave rise to the current claims, and for citations of support for the changes.

Objections to Prior Amendment

The Notice of Non-Compliant Amendment objected to prior claims 7 and 10, as the "4" in the prior claim dependency recitation was inadvertently not stricken through to clarify the underlined new dependencies to claims 1 and 3, respectively. This error is corrected by the new claims.

The Notice asserted that claim 1 recited that the handle is attached to the first strap approximately 6 inches from the attachment point. This, it was asserted, rendered the 3 inch recitation of dependent claims indefinite. However, the language of claim 1 does not say this. It says that the handle is:

strap segment's connection to the fixed attachment [of the fastening mechanism]

In other words, the handle is attached anywhere in the 6 inch proximate portion. Then, in dependent claims, the proximate portion is 3 inches, so the range of attachment points is narrower. Thus, there is no conflict between new claim 26 and, for example, new claim 28.

In an effort to facilitate examination, the arguments presented with the September 23 response are re-presented with annotations in brackets indicating the new claim numbers (for those claims that were not deleted):

Claim Objections

The objection to claim 16 is resolved by its deletion. The objection to claim 5 is believed to be in error or reflect a typographical error. Applicant respectfully submits that there is no error in the dependency of claim 5 [New 34].

Claim Rejections – 35 U.S.C. §102(b)

Hatfield – US 5,005,527

Claims 1-4 and 7 [New 26-7, 29, 36] stood rejected under 35 U.S.C. §102(b), based on an assertion of anticipation by Hatfield, US 5,005,527. Applicant respectfully traverses.

Hatfield does not have a handle adjacent to the fixed connection of Hatfield's buckle. In fact, moving the Hatfield handle to a position more like that called out in the current claims would make the Hatfield inappropriate for its intended use as a pet leash. Accordingly, Applicant respectfully submits that the rejection is in error and should be withdrawn.

Miller – US 5,581,853

Claims 1, 2, 4 and 7 [New 26-7, 29, 36] stood rejected under 35 U.S.C. §102(b), based on an assertion of anticipation by Miller, US 5,581,853. Applicant respectfully traverses.

Miller describes a device for restraining a prisoner in transit. Its loop of strap 18 is separated from the adjustable loop by two buckle or ratcheting devices. That loop is used to control the tension on cam buckle locking clip 16. Miller does not have a handle adjacent to the fixed connection of its buckle. In fact, moving the Miller handle to a position more like that called out in the current claims would make the Miller inappropriate for its intended use as a prisoner restraint. Accordingly, Applicant respectfully submits that the rejection is in error and should be withdrawn.

Claim Rejections – 35 U.S.C. §103(a)

Hatfield – US 5,005,527

Claims 5, 16 and 17 [New 34, 40] stood rejected under 35 U.S.C. §103(a), based on an assertion of obviousness over Hatfield, US 5,005,527. Applicant respectfully traverses.

As discussed above, moving the Hatfield handle to a position more like that called out in the current claims would make the Hatfield inappropriate for its intended use as a pet leash. As outlined in MPEP §2143.01, a proposed modification of the prior art cannot render it unsatisfactory for its intended purpose, as would this modification. Accordingly, Applicant respectfully submits that the rejection is in error and should be withdrawn.

Hatfield, with Kim (US 4,971,354) or Decathlon SA, (FR 2,744,997)

Claims 8-15 [New 42-3, 31-3, 37-9] stood rejected under 35 U.S.C. §103(a), based on an assertion of obviousness over Hatfield in view of either Kim, US 4,971,354 or Decathlon SA, FR 2,744,997. Applicant respectfully traverses.

Kim describes a car safety belt with integrated air bag. The belt incorporates an "S-shaped" loop in conjunction with a lanyard that activates the air bag. While the word "loop" is used, the structure is not intended to be permanent nor even to be a loop in the relevant sense. Activation "eliminates the loop." (As set forth in Col. 4, second paragraph.) This "loop" is not, therefore, fixedly attached. In any case, Kim does not describe "folding and affixing the serpentine article in a 'S' curve, such that one of the opposing 'C' sections of the S curve forms the loop." Specifically, look to the "loops" illustration in **Fig. 11**:

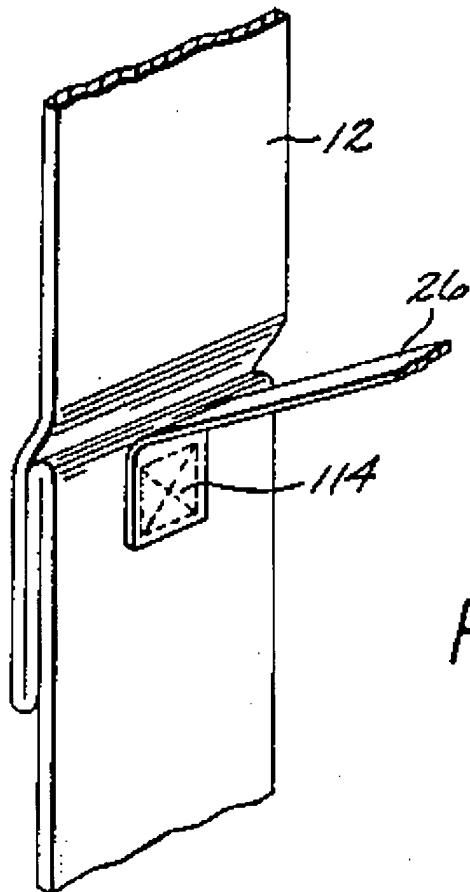
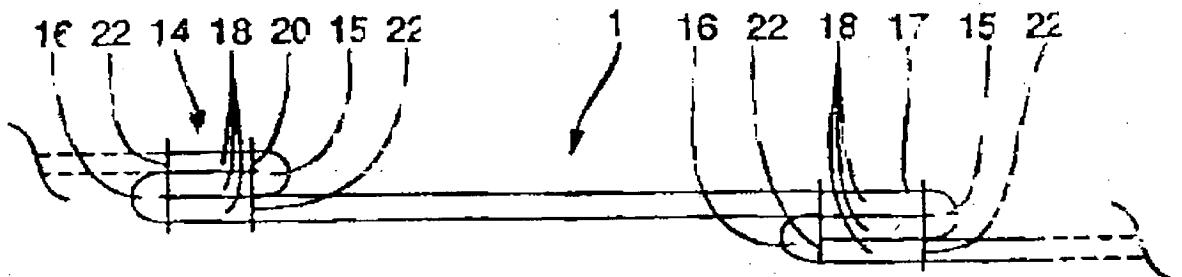


FIG. 11

All that this "loop" is supposed to do in provide a releasable amount of material for a car safety harness. It is in no way a handle, and is in no way suggestive of a handle.

Decathlon SA appears to describe S-shaped stitches in horse reins. It does not describe a handle of the type at issue here, nor using one of the C sections of the stitching to form such a handle. **Fig. 3a** is illustrative:



As with Kim, the S-shaped stitches are in no way suggestive of a handle.

Accordingly, the rejection is in error and should be withdrawn.

Miller – US 5,581,853

Claims 5, 16 and 17 [New 34, 40] stood rejected under 35 U.S.C. §103(a), based on an assertion of obviousness over Miller, US 5,581,853. Applicant respectfully traverses.

Miller describes a device for restraining a prisoner in transit. Its loop of strap 18 is separated from the adjustable loop by two buckle or ratcheting devices. That loop is used to control the tension on cam buckle locking clip 16. Miller does not have a handle adjacent to the fixed connection of its buckle. In fact, moving the Miller handle to a position more like that called out in the current claims would make the Miller inappropriate for its intended use as a prisoner restraint. As outlined in MPEP §2143.01, a proposed modification of the prior art cannot render it unsatisfactory for its intended purpose, as would this modification. Accordingly, Applicant respectfully submits that the rejection is in error and should be withdrawn.

Miller, with Kim or Decathlon SA

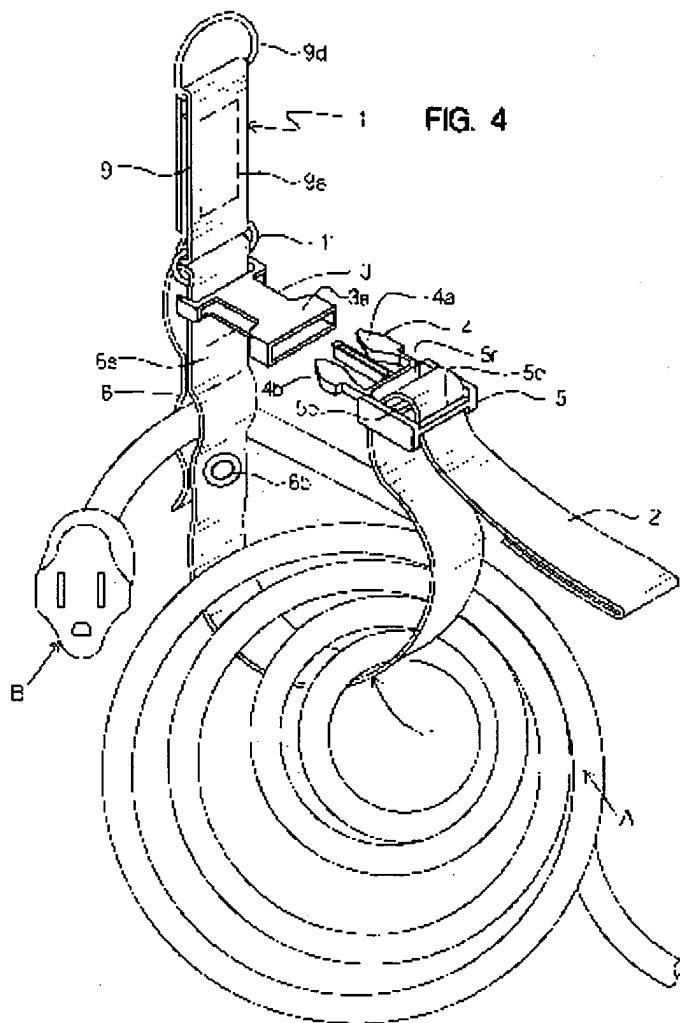
Claims 8-15 [New 42-3, 31-3, 37-9] stood rejected under 35 U.S.C. §103(a), based on an assertion of obviousness over Miller in view of either Kim, US 4,971,354 or Decathlon SA, FR 2,744,997. Applicant respectfully traverses.

For the reasons outlined above with respect to these citations, Applicants respectfully submit that the rejection is in error and should be withdrawn.

Plzak (US 5,295,700, with Lyons (US 5,581,436)

Claims 1-5 and 7-17 [New 26-7, 29, 34, 36, 42-3, 31-3, 37-9, 40] stood rejected under 35 U.S.C. §103(a), based on an assertion of obviousness over Plzak, US 5,295,700, in view of Lyons, US 5,881,436. Applicant respectfully traverses.

Plzak is cited as showing a fastening mechanism for use with a strap. It is Lyons that is asserted to show a fastener used in a context said to be relevant to the current claims. Specifically, **Fig. 4** of Lyons is cited:



First, the Lyons device uses a detachable fastener, meaning it separates into two parts. Such detachment is critical to the purpose of Lyons, so it cannot be obvious or appropriate to substitute the fastener of the current claims. As outlined in MPEP §2143.01, a proposed modification of the prior art cannot render it unsatisfactory for its intended purpose, as would this modification.

DOCKET NO. 353851-102
SERIAL NO. 10/619,317

Second, the most analogous feature to the current handle is auxiliary harness 6. It is within the adjustable loop strap 2, not outside. It is, and must be for the purpose of Lyons (holding a segment of an extension cord), too small for use as a handle.

Third, a D-ring or the like is used to hoist the Lyons device. Thus, Lyons teaches nothing like the handle here claimed.

Accordingly, Applicant respectfully submits that the rejection is in error and should be withdrawn.

DOCKET NO. 353851-102
SERIAL NO. 10/619,317

Conclusion

In light of these amendments and remarks, it is respectfully submitted that the Amendment should be entered, the rejections should be withdrawn, and that the application is in condition for allowance.²

Respectfully submitted,



Arthur E. Jackson
Registration No. 34,354

Law Offices of Arthur E. Jackson
P.O. Box 88
Hopewell, NJ 08525
Arthur E. Jackson
Phone: 609.333.0308
Fax: 908.847.0446

² **FEE DEFICIENCY**

IF ANY ADDITIONAL EXTENSION IS REQUIRED, PLEASE CONSIDER THIS PAPER A PETITION FOR SUCH AN EXTENSION; ANY FEE FOR THE EXTENSION REQUIRED FOR CONSIDERATION OF THIS PAPER BUT NOT ENUMERATED ABOVE OR IN A TRANSMITTAL OR OTHER ASSOCIATED PAPER CAN BE CHARGED TO ACCOUNT NO. 50-3166.

AND/OR

IF ANY ADDITIONAL FEE IS REQUIRED FOR CONSIDERATION OF THIS PAPER, PLEASE CHARGE ACCOUNT NO. 50-3166.